



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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BY ECF

Hon. Robert W. Lehrburger
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

February 26, 2024

Re: *Rivera v. City of New York, et al.*
23-CV-04128 (PAE)(RWL)

Dear Judge Lehrburger:

I am the Assistant Corporation Counsel assigned to represent the City of New York in the above matter. I write pursuant to the Honorable Judge Paul A. Engelmayer's December 29, 2023 Order of Service (ECF No. 11), which included a *Valentin* Order for the City to identify the Complaint's Jane or John Doe Defendants within sixty (60) days of the Order. Defendant Deputy Warden Miller waived service on January 23, 2024, and the City of New York waived service today.

I write to respectfully request an extension of forty-five (45) days to respond to the *Valentin* Order. This is the first extension requested by Defendant. If granted, the new deadline would be Thursday, April 11, 2024. This extension would not affect other deadlines. I apologize that this request is being made less than 48 hours in advance of the deadline, which is inconsistent with Your Honor's Individual Practices.

My office mailed Plaintiff a HIPAA authorization on January 16, 2024 to permit this office to request and obtain Plaintiff's medical records. With these records, this office will attempt to identify the doctor and nurse noted in the Complaint. I received Plaintiff's release on February 1, 2024 and have requested Plaintiff's medical records from Correctional Health Services ("CHS"). To date, CHS is still working to retrieve and compile the records. This extension will allow for time for Defendant to receive the records, review them, and prepare an appropriate response to Plaintiff and Your Honor.

Thank you for Your Honor's consideration of this request.

Respectfully,

s/ *David Kaplan*

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Cc:

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